



**LAKES MANAGEMENT ADVISORY COMMITTEE**  
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services  
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
phone: 603-271-2959 fax: 603-271-7894  
e-mail: jcolburn@des.state.nh.us



**MEETING MINUTES**  
**May 16, 2008**  
**DES Conference Room**  
**9:00 a.m. - 12:00 p.m.**

**Members present:**

Phil O'Brien, Ph.D., Chair  
Wendell Berry  
Mark Hemmerlein  
Mitchell E. Kalter  
Fred Murphy  
Shari Colby  
Ken Jordan  
Larry Sunderland, Vice Chair  
Ken P. Wilson

**Representing:**

NH Lakes Association  
NH Business and Industry Assn  
Commissioner, DOT  
NH Fish & Game Commission  
Planning Board  
Commissioner, DRED  
NH Association of Realtors  
Conservation Community  
NH Marine Dealers Association

**Term:**

August 1, 2009  
July 8, 2010  
Indefinite  
August 22, 2009  
August 1, 2008  
Indefinite  
June 27, 2008  
September 19, 2010  
August 22, 2008

**Members not present:**

Jen Cysz  
Jim Haney, Ph.D.  
Diane Hanley  
Mark Gallagher  
Steve Perry  
Michele L. Tremblay  
Vacant  
Vacant  
Vacant

Director, Office of Energy & Planning  
Scientific Community, UNH  
Conservation Commissions  
Commissioner, DOS  
Director, Fish & Game Dept.  
State Conservation Committee  
Tourism Industry  
Elected Municipal Official  
Commissioner, Dept. of Agr., Markets & Food

Indefinite  
August 22, 2010  
August 22, 2010  
Indefinite  
Indefinite  
August 1, 2009  
Expired  
Expired  
Indefinite

**Staff Present**

Jacquie Colburn  
Laura Weit  
Jenn Rowden  
Jody Connor  
Darlene Forst  
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau (WMB)  
Asst. Planner, WMB  
PT Asst, Planner, WMB  
Director, Limnology Center, WMB  
Shoreland Program Coordinator, Wetlands Bureau  
Admin. Asst., Water Division

**Guests:**

Don Kent  
Gina Rotondi  
Derek Durbin  
Chris Devine  
Melanie Waldvogel

NH Natural Heritage Bureau, DRED  
Rath, Young and Pignatelli, for 18 Mile Point Realty & NH Shorefront Assoc.  
NH Lakes Association  
Squam Lakes Association  
Squam Lakes Association

**I. Opening**

Chairman O'Brien called the meeting to order at 9:07 am

After discussion, it was decided to have all subcommittee meetings on the same day as the regular meetings.

LMAC Appointees:

Ken Wilson and Fred Murphy, whose terms expire in August, will be seeking reappointment. The NH Association of Realtors will be nominating Bo Quackenbos from New London to replace Ken Jordan. Ken agreed to continue on the LMAC until the nomination is complete.

Chairman O'Brien noted that the speed limit bill for Lake Winnepesaukee was approved by the Senate. This bill will sunset in 2 years and does not go into effect until the summer of 2009.

### Minutes

- *Mitch Kalter made a motion to approve the April 25, 2008 minutes with amendment to people present, second by Fred Murphy. Vote was unanimous.*

## **II. Key Discussion Issues**

### **1) Updates:**

#### **Shoreland Protection Act – Darlene Forst**

HB 1601 – relative to funding for certain capital projects of the Pease development authority, relative to reporting dates for the instream flow pilot program, and relative to certain requirements under the comprehensive shoreland protection act. The bill was passed and then signed by the Governor on May 5, 2008. It rolls back the effective date of the CSPA amendments to July 1, 2008. There were 3 exceptions one of which is no town may have a setback of less than 50 feet. The Wetlands Bureau is currently operating under the old language of the law as well as the old rule package. The interim rules and adjustments are being made to update with the new rules package that will go into effect on July 1.

SB 352 – relative to shoreland protection. The bill included clarifications to the current impervious surface limits and the amount of the natural woodland buffer that must be retained on certain sized lots. The 25% tier covenant for tree cutting limits has been removed and now anything over 20% automatically requires stormwater protection. This bill also shifts the shoreland appeals from the Water Council to the Wetlands Council for continuity.

The Wetlands Bureau database is ready to receive applications. A significant number of Shoreland Urban Exemption requests from towns have been received. The "Critical Edge" newsletter was distributed to the committee; it is a new production of the Shoreland Protection staff. Outreach efforts are on-going with an upcoming workshop on May 28<sup>th</sup> in Meredith. This workshop is geared to professionals, but homeowners are welcome and also encouraged to attend. The intent of the workshop is to create a venue to help with low-impact development technologies, innovative solutions, and to offer a positive exchange of ideas.

#### **HB710 Commission – Mitch Kalter**

Mitch reported that the full commission met earlier in May while the sub-committees are meeting as needed. The next full commission meeting is scheduled for May 27<sup>th</sup> at 1 PM. Jacquie provided a short update regarding the Public Access and Water Quality Subcommittee. The Pricing Subcommittee had the tax assessor from Meredith come in to answer questions. The Existing and Future Lease Subcommittee also met earlier this week but no one was present to report on their work.

Chairman O'Brien suggested that the full commission should start formulating a report with possible development of an overall outline of the final report. The report could focus on areas of compatibility and conflict to force issues to the surface earlier rather than later.

#### **Lake-Related Legislation – Jacquie Colburn**

Jacquie reviewed bills that the LMAC has been following.

HB 1254 – relative to the ability of towns to regulate the storage and use of deicing chemicals. This was killed in the Senate last week.

HB 1295 – establishing a commission to study issues relating to stormwater. The House has concurred with the Senate amendment and it has been enrolled. The commission will have to produce an interim report on November 1, 2008 and a final report on November 1, 2009.

HB 1581 – relative to the formation of stormwater utility districts. A version has passed both the House and Senate.

HB 1579 – establishing a commission to study issues relating to land development and land development regulation in NH. It was taken off the table and passed in the Senate with an amendment.

HB 1151 – relative to the reporting dates for the instream flow pilot program. This bill passed the Senate with an amendment and the House non-concurs with the Senate amendment. All the changes have now been tacked on to HB 1601 so in essence HB 1151 is dead.

SB 358 – relative to mooring permits. Derek Durbin reported there were amendments added to clarify it. The Senate is planning to concur with the amendments.

SB 384 – relative to the repair of septic systems prior to the sale of waterfront property. Derek reported the amendment changed the effective date to January 1, 2009 from January 1, 2011. Fourth (4<sup>th</sup>) order rivers are still up in the air.

SB 158 – relative to review of activities affecting surface waters. This has been amended by the House.

SB 380 – petitions for boating rules. Still tabled.

### **Guidelines to Local Lake Management and Shoreland Protection Plans**

Laura distributed copies of the revised Guidelines document to the Committee. Comments are still being incorporated. The goal was to finalize the document in May and then have the public hearings within each of the Councilor Districts in July and August. The comment deadline was extended so if there any additional comments from LMAC members, please have them to Laura by June 13, 2008. The comments received from other state agencies were reviewed. Bud Berry suggested adding municipalities and regional planning commissions to the letter from the LMAC which is part of the document.

Chairman O'Brien welcomed the arrival of Chris Devine and Melanie Waldvogel from the Squam Lakes Association.

### **Sustainability Initiative (S.I.) – Jenn Rowden**

Jenn referred to the draft copy of the Sustainability Report that will be presented to Commissioner Burack on the 5<sup>th</sup> of June as a follow-up to the January meeting. This is essentially a list of goals and recommendations that have come from meetings with various DES staff and the Rivers and Lakes staff regarding each of the 4 issues addressed. The time line is to collect comments through the end of May and then have a meeting with RMAC, LMAC, and RMPP staff. The comments listed do not fully address any of the issues. These are meant to be incorporated in the DES Strategic Plan and for the upcoming legislative session. The most significant change since the last LMAC meeting is a meeting held between Steve Couture, Ken Kimball, and the Commissioner in regards to actual funding for the instream flow pilot project. The commissioner made a few suggestions: 1) a water user fee, which would be applied on all registered water users in the state, on a per gallon basis; and 2) a wastewater generation fee, also on a per gallon basis. Both fees would only be a fraction of a cent. Revenue could take the Rivers and Lakes Programs out of the general fund so it would be a dedicated type of fund. White papers are being developed to explain these possible program funding sources.

Jenn asked for clarification on the goal of stopping the use of herbicides within 5 years as a control mechanism for invasive species. Fred Murphy said that the intent of his recommendation was to study the efficacy of doing this type of control when there are other alternatives and that it was just a suggested project target date. Jody Connor explained that the current 5 year Exotic Species Management Plan does include a goal to try to get away from the use of herbicides.

Jenn stated there will be updates to the Commissioner twice a year. Work will continue on the 4 other issues in the SI and carrying capacity will be next. Jacquie thanked Jenn for all her work on the Sustainability Initiative.

### **Ossipee Lake Natural Area – Don Kent**

Don reviewed what has happened since his last presentation to the LMAC. The State Working Group, which includes Jacquie from DES, several DRED staff from Parks, Forest Management & Protection, National Heritage, Captain Gallagher from Marine Patrol and Dick Boisvert from Cultural Resources has met twice. Issues have been identified and a management plan has been drafted that is currently being

reviewed by the Director of the Division of Forest and Lands. When it is released it will be given to the LMAC and the public as a draft for review and comment. It will then go out for a public hearing. The restrictions put in place last August are still in effect.

Management Issues:

- 1) Damage to plants and natural communities
- 2) Damage to historical artifacts
- 3) Lack of bathroom facilities
- 4) Safety – people, boats and fire hazard
- 5) Water quality
- 6) Trash
- 7) Pedestrian access
- 8) Disturbance to abutters
- 9) Violation of DRED administrative rules

Don stressed that the keys to the process are education and enforcement. Where and how should the effort be put forth? The audience is with the boaters, swimmers, and others and it is not a cohesive group of users. In regards to water quality, there are 2 VLAP programs on Ossipee and they monitor on a monthly basis but they work during the week, not the weekends. Bud Berry noted there is excellent leverage to get stakeholder attention because part of the OLNA has been closed off. He also said that a good mediator could make a difference in determining a resolution to the issues. The attorneys for the Ossipee Lake Alliance have identified 40 stakeholders that they are communicating with.

**Presentation – Recreation Boating Use of the Squam Lakes – Chris Devine, SLA**

Chris Devine explained that with the help of OSP (Office of State Planning), a watershed plan was developed between 1988 and 1991 for the Squam Lakes watershed. SLA started collecting boating use data in 1988 and now has about 20 years of data. Chris' presentation was a snapshot of what the data looks like in terms of use. He also noted that there are many formulas for carry capacity and he has incorporated a couple of the current methodologies (empirical and actual approach) in an effort to determine existing and future lake boating capacity. Using the boating data collected to date and the two methodologies, Chris has determined the following boating density for the Squam Lakes:

Little Squam

- Actual: 50 boats, density of 8 acres/boat
- Empirical: 28 boats = 100% (density of 15 acres/boat)

Squam

- Actual: 450 boats, density of 15 acres/boat
- Empirical: 460 boats = 100% (density of 15 acres/boat)

Both Lakes Combined

- Actual: 500 boats, density of 14 acres/boat
- Empirical: 488 boats = 100% (density of 15 acres/boat)

**III. Other Business**

**Member Updates:**

- 1) Bud Berry requested that another member of the LMAC become the committee's representative to the Water Quality Standards Advisory Committee (WQSAC). The advisory committee is trying to get approval this year from EPA on what they have in place, which does not include "anti-degradation".
- 2) The State Water Plan is being administered by Sarah Pillsbury, Drinking Water and Ground Water Bureau, and chapters have been drafted for each of the water resource types. Chairman O'Brien and Larry Sunderland offered to review the lakes chapter.
- 3) Mark Hemmerlein reported that the DOT is continuing to meet with the town of New London. Bids came in for the Exit 3 area of the I-93 Project. There is also a project by Lake Mascoma on Route 4A.
- 4) Jody Connor announced that a VLAP workshop will be held at DES on Saturday, May 17<sup>th</sup> from 8-4:30. He also mentioned that VLAP recently won the EPA Technical Merit Award for Best Program in New England. They are trying to expand volunteer monitoring into the northern region of the state as there is a new lab at Plymouth State. There will be another VLAP workshop in Jefferson at the end of the month.
- 5) Mitch Kalter reported that the Merrimack Village Dam is due to be removed on August 1, 2008.
- 6) Laura Weit announced that the annual Watershed Conference will be held on Saturday, November 15, 2008, at the Grappone Center.

**Future Agenda Items:**

For an upcoming summer LMAC meeting, Josh Carroll of UNH has offered to conduct an 'on-lake' exercise teaching the committee how to inventory the physical, social, and management attributes of a lake using the Water Recreation Opportunity Spectrum (WROS).

- ***Fred Murphy made a motion to adjourn, second by Ken Jordan. Vote was unanimous. Meeting adjourned at 12:15pm.***